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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,631	02/04/2005	Petra Rejc	707-19	6059

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EXAMINER

BLOODGOOD, RUSSELL F

ART UNIT	PAPER NUMBER
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3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/523,631	Applicant(s) REJC, PETRA	
	Examiner Russell F. Bloodgood	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/4/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

The information disclosure statement (IDS) submitted on 2/4/2005 was filed in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the lateral guides (Claim 1), most notably the spiral section of the lateral guides (Claim 9), and the hinge

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members oriented at relative angles (Claims 1, 10, and 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
 - a. The word "plastics" should be changed to - - plastic - - to correctly match the rest of the sentence it is contained in (page 5, lines 3, 15, and 19).

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b. The mention of "Claim 1" in the disclosure is not allowable and should be removed (page 7, line 3).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. A detailed description or explanation of the "strap hinge", "flexible hanging", and "spiral section" of the lateral guides is critical or essential to the practice of the invention, but is not enabled by the disclosure. It is unclear to the Examiner what and where the "strap hinge" or "spiral section" of the lateral guides are, and it is also unclear if the "flexible hanging" is meant to describe the curtain in its entirety or each curtain section individually. The above mentioned items are essential to understanding the structure and operation of the claimed invention. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the relative term "fast-moving", which renders the claim indefinite. The term "fast-moving" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim 1 recites the limitation "the gateway" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the full surface" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "said hanging" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "said hanging" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the entire gate width" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "said hanging" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said hanging" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the range" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "the ranges" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "said hanging" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the edge sides" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said hanging" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the ends" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the direction" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "said hanging" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the surfaces" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the lintel range" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "the gateway" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the closed condition" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the extension" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the major surface" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said hanging" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. As best understood, claims 1-8 and 10-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Aquilina (US Patent No. 6363993).

Aquilina discloses an articulated door having a flexible hanging which covers the width of the opening and is made up of a plurality of panels (50, 52, and 54) hinged together at stiffening members 18 so as to be able to be orientated at different angles relative to one another, lateral guide tracks 140, wheels 40 to fit into and move along the guide tracks 140, hinges 12, stiffening members 18 that are parallel to the panels and flush to their surface when mounted to them, and reinforcing strips 22 parallel to the

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panels that fit into and permanently connected to an undercut groove. The flexible hanging has a hanging plane, created by door in its entirety and a hinging plane, which is defined by the axis of pivot around which each panel rotates relative to the adjacent panels. Both planes are in immediate vicinity of each other without coinciding. The invention disclosed by Aquilina read on the limitations set forth in the claims rejected above as best understood by the Examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. As best understood, claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aquilina in view of Rejc (US Patent No. 5484007).

Aquilina fails to disclose an articulated door having a lateral guides creating a spiral for the door to be raised into when opened.

Rejc teaches a vertical lift gate having lateral guides 2 that create a spiral for the gate to be wound in.

It would have been obvious to one of ordinary skill within the art at the time of the invention to modify the articulated door disclosed by Aquilina with the lateral guides creating a spiral as taught by Rejc. This setup controls the rolling or winding of the door so that the panels will not come in contact to others they are not adjacent to when

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completely unwound. This reduces friction, wear and tear, and overhead space wasted during operation, allowing for higher opening speeds, longer life, and more market appeal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell F. Bloodgood whose telephone number is 571-272-5712. The examiner can normally be reached on Mon - Fri: 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RFB


Jerry Redman
Primary Examiner